

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA

3 \* \* \*

4 CHARLES N. BELSSNER,

Case No. 2:15-cv-00672-APG-PAL

5 Plaintiff,

**ORDER**

6 v.

7 STATE OF NEVADA,

8 Defendant.  
9

10 Defendant State of Nevada filed a motion to dismiss. ECF No. 22. Plaintiff Charles  
11 Belssner did not timely respond, so I granted the motion as unopposed. LR 7-2(d). However, just  
12 two hours before my order was docketed, Belssner's opposition was docketed. I did not see it  
13 when making my prior ruling.

14 In his opposition, Belssner states that he never received the defendant's motion to dismiss.  
15 ECF No. 24. He does not substantively respond to the defendant's arguments but according to his  
16 response, he saw the defendant's motion for the first time the same day he filed his response. *Id.*  
17 at 2. The certificate of service attached to the defendant's motion does not indicate that Belssner  
18 was served. ECF No. 22 at 18. I therefore will vacate my prior order and grant Belssner until  
19 December 23rd to substantively respond to the defendant's motion to dismiss.

20 IT IS THEREFORE ORDERED that my order granting the defendant's motion to dismiss  
21 as unopposed (ECF No. 25) is VACATED.

22 IT IS FURTHER ORDERED that plaintiff Charles N. Belssner has until December 23,  
23 2016 to respond to defendant State of Nevada's motion to dismiss.

24 DATED this 5<sup>th</sup> day of December, 2016.

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26 ANDREW P. GORDON  
27 UNITED STATES DISTRICT JUDGE  
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